

Application No. 10/698,036
Response to 29 July 2005 Non-Final Office Action

REMARKS

Claims 1-9 are pending, claims 8 and 9 having been withdrawn from consideration due to an election of species pursuant to a restriction requirement. By this Amendment, claims 1, 3, and 6 are amended.

To correct for antecedent basis, claims 1, 3, and 6 are amended to recite "fulcrum point" rather than "fulcrum," the former limitation having antecedence in claim 1, the latter not. Applicant respectfully submits that correcting antecedence does not narrow the scopes of claims 1, 3, or 6.

Restriction Requirement

Applicant acknowledges that claims 8-9 are withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b) as drawn to a non-elected species. However, Applicant respectfully traverses that there is no allowable generic or linking claim. Claims 8-9 depend directly from claim 1, which is in condition for allowance. Thus, claim 1 is an allowable generic claim. Hence, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

Double Patenting

Claims 1 and 5-7 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-4 of U.S. Patent 6,606,775. Applicant respectfully traverses

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this rejection. However, in order to advance the prosecution of this application, a terminal disclaimer is enclosed herein.

Allowable Claims

The Office Action objected to claims 2-4 as dependent upon a rejected base claim, but deemed these claims allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In view that claim 1 is in condition for allowance and because claims 2-4 depend directly or indirectly from claim 1, all claims are respectfully submitted to be in condition for allowance.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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